

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JUAN PINEDA, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

BIG CITY REALTY MANAGEMENT, LLC, CFF
CONSULTING INC., 3427 BROADWAY BCR, LLC,
3440 BROADWAY BCR, LLC, 3660 BROADWAY
BCR, LLC, 633 WEST 152 BCR, LLC, 605 WEST 151
BCR, LLC, 545 EDGEcombe BCR, LLC, 535-539
WEST 155 BCR, LLC, 408-412 PINEAPPLE, LLC,
106-108 CONVENT BCR, LLC, 510-512 YELLOW
APPLE, LLC, 513 YELLOW APPLE, LLC, 145
PINEAPPLE LLC, 2363 ACP PINAPPLE, LLC, 580
ST. NICHOLAS BCR, LLC, 603-607 WEST 139
BCR, LLC, 559 WEST 156 BCR, LLC, 3750
BROADWAY BCR, LLC, KOBİ ZAMİR, and
FERNANDO ALFONSO,

Defendants.
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ORAL ARGUMENT REQUESTED

22-cv-05428 (BMC)

**NOTICE OF PLAINTIFF’S MOTION FOR CONDITIONAL CERTIFICATION, LEAVE
TO DISTRIBUTE NOTICE, DISCLOSURE OF CONTACT INFORMATION, AND
EQUITABLE TOLLING PURSUANT TO
29 U.S.C. § 216(b)**

PLEASE TAKE NOTICE THAT Named Plaintiff Juan Pineda (“Plaintiff”) will move this
Court, before the Honorable Brian M. Cogan, United States Judge for the Eastern District of New
York, on a date and time to be determined by the Court, pursuant to 29 U.S.C. § 216(b), for an
Order:

- (1) Conditionally certifying this case as a collective action with respect to
current and former superintendents, porters and handymen of the Big City
Buildings (as defined in the Memorandum of Law) who, while performing
work for Defendants at any time between September 12, 2019 and the

present, did not receive overtime compensation for all hours over forty that they worked in a workweek;

- (2) Requiring Defendants, within fourteen days of the Court's Order, to produce a computer-readable data file containing the names, last known mailing addresses, all known home and mobile telephone numbers, all known email addresses, work locations, dates of employment, and primary languages spoken of all potential collective action members;
- (3) Permitting Plaintiff to disseminate notice of this action in the form attached to the Declaration of Marc A. Rapaport, Esq., dated August 3, 2023, as Exhibit 1 ("Notice") and Exhibit 2 ("Reminder Notice") in English, Spanish, and any other language identified by Defendants, via regular mail, text message, and e-mail, and permitting a sixty-day opt-in period;
- (4) Tolling the Fair Labor Standards Act ("FLSA") statute of limitations from the date of filing of Plaintiffs' Motion for Class Certification pursuant to Fed. R. Civ. P. 23 until such time as the Court resolves this motion; and
- (5) Granting any other further relief that the Court deems just and proper.

In support of the motion, and filed contemporaneously herewith, are a Memorandum of Law and the Declaration of Marc A Rapaport with Exhibits 1 through 4.

Pursuant to this Court's Order, dated July 28, 2023, Defendants must serve any opposition papers to this motion by on or before August 10, 2023, and Plaintiff must serve any reply papers by on or before August 17, 2023.

Dated: New York, New York
August 3, 2023

Respectfully submitted,

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By: ____/s/_____
Marc A. Rapaport

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By: ____/s/_____
Meredith R. Miller

Attorneys for Plaintiff